

Executive Summary – Enforcement Matter – Case No. 47492
Flint Hills Resources Port Arthur, LLC
RN100217389
Docket No. 2013-1610-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Flint Hills Resources Port Arthur Facility, 4241 Savannah Avenue, Port Arthur,
Jefferson County

Type of Operation:

Petrochemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2013-2130-AIR-E
and 2014-0198-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 9, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$26,813

Amount Deferred for Expedited Settlement: \$5,362

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$10,726

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$10,725

Name of SEP: Southeast Texas Regional Planning Commission

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 27, 2013

Date(s) of NOE(s): August 8, 2013

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 129.5 pounds ("lbs") of volatile organic compounds ("VOC") from Tank 1815, Emissions Point Number ("EPN") TT1815, and 6.5 lbs of VOC from a temporary fracking tank during an emissions event (Incident No. 181583) that began on April 13, 2013 and lasted five hours and 45 minutes. The event occurred while contract personnel were emptying, degassing, and cleaning Tank 1815 and failed to monitor the level in a vacuum box which caused overflow of liquid into the vapor system. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. 01317, Special Terms and Conditions ("STC") No. 24, and Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions ("SC") No. 1].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 16,882.25 lbs of VOC, 10,262.98 lbs of carbon monoxide ("CO"), and 1,420.56 lbs of nitrogen oxides ("NOx") from the Light Olefins Unit ("LOU") Flare, EPN LOUFLARE, during an emissions event (Incident No. 182687) that began on May 11, 2013 and lasted 32 hours and 40 minutes. The event occurred when an exotherm in the Acetylene Adiabatic Reactor caused depressurization of the acetylene conversion reactor system during a planned startup of the LOU. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01317, STC No. 24, and Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,837.87 lbs of VOC, 1,577.45 lbs of CO, 309.57 lbs of NOx, 79.21 lbs of sulfur dioxide, and 0.86 lb of hydrogen sulfide from the LOU Flare, EPN LOUFLARE, during an emissions event (Incident No. 183774) that began on June 7, 2013 and lasted five hours and 30 minutes. The event occurred when excess liquid reached the cracked gas compressor knockout drum and automatically shut down the compressor due to a change that was made on the steam control valve to the butane feed vaporizer which reduced steam below the required levels. The Respondent is not asserting the

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RN100217389
Docket No. 2013-1610-AIR-E

affirmative defense under 30 TEX. ADMIN. CODE § 101.222 for this emissions event [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01317, STC No. 24, and Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By April 24, 2013, had halted all degassing and cleaning operations associated with Tank 1815 and hired a new third-party contractor to complete the cleaning of Tank 1815 to prevent a recurrence of emissions events due to the same cause as Incident No. 181583;
- b. By the end of the day July 23, 2013, had a Flint Hills Resources Process Engineer discuss Incident No. 182687 with the Compressor Board Operators in order to clarify and reinforce that hydrogen should be cut out of the reactors when the de-ethanizer tower feed is lost to prevent a recurrence of emissions events due to the same cause as Incident No. 182687; and
- c. On August 27, 2013, reviewed and discussed the importance of monitoring the set point entry and verifying the intended action was entered correctly with the Process Leads to prevent a recurrence of emissions events due to the same cause as Incident No. 183774.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 47492
Flint Hills Resources Port Arthur, LLC
RN100217389
Docket No. 2013-1610-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: David Carney, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-2583; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Denzel Wiseman, Jr., Vice President, Flint Hills Resources Port Arthur,
LLC, 4241 Savannah Avenue, Port Arthur, Texas 77640

Jeff Tilley, Vice President, Flint Hills Resources Port Arthur, LLC, 4241 Savannah
Avenue, Port Arthur, Texas 77640

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1610-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Flint Hills Resources Port Arthur, LLC
Penalty Amount:	Twenty-One Thousand Four Hundred Fifty-One Dollars (\$21,451)
SEP Offset Amount:	Ten Thousand Seven Hundred Twenty-Five Dollars (\$10,725)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely

Flint Hills Resources Port Arthur, LLC
Agreed Order - Attachment A

and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

Flint Hills Resources Port Arthur, LLC
Agreed Order - Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	12-Aug-2013	Screening	26-Aug-2013	EPA Due	5-May-2014
	PCW	14-Feb-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Flint Hills Resources Port Arthur, LLC		
Reg. Ent. Ref. No.	RN100217389		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	47492	No. of Violations	3
Docket No.	2013-1610-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5

Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000
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Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$15,000
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Notes: Enhancement for two NOV's with same/similar violations, one NOV for dissimilar violations, 16 orders with denial of liability, and three orders without denial of liability. Reduction for five notices of intent to conduct an audit and three disclosures of violations submitted.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$3,187
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$21
Approx. Cost of Compliance	\$2,100

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$26,813
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$26,813
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$26,813
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DEFERRAL	20.0% Reduction	Adjustment	-\$5,362
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$21,451
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Screening Date 26-Aug-2013

Docket No. 2013-1610-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 47492

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	16	320%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 396%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for two NOVs with same/similar violations, one NOV for dissimilar violations, 16 orders with denial of liability, and three orders without denial of liability. Reduction for five notices of intent to conduct an audit and three disclosures of violations submitted.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 396%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 26-Aug-2013

Docket No. 2013-1610-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 47492

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1317, Special Terms and Conditions ("STC") No. 24, and Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions ("SC") No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 129.5 pounds ("lbs") of volatile organic compounds ("VOC") from Tank 1815, Emissions Point Number ("EPN") TT1815, and 6.5 lbs of VOC from a temporary fracking tank during an emissions event (Incident No. 181583) that began on April 13, 2013 and lasted five hours and 45 minutes. The event occurred while contract personnel were emptying, degassing, and cleaning Tank 1815 and failed to monitor the level in a vacuum box which caused overflow of liquid into the vapor system. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on April 24, 2013, before the August 8, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Flint Hills Resources Port Arthur, LLC

Case ID No. 47492

Reg. Ent. Reference No. RN100217389

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	13-Apr-2013	24-Apr-2013	0.03	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to halt all degassing and cleaning operations associated with Tank 1815 and hire a new third-party contractor to complete the cleaning of Tank 1815 to prevent a recurrence of emissions events due to the same cause as Incident No. 181583. The date required is the date of the emissions event. The final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date 26-Aug-2013

Docket No. 2013-1610-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

Case ID No. 47492

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100217389

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1317, STC No. 24, and Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 16,882.25 lbs of VOC, 10,262.98 lbs of carbon monoxide ("CO"), and 1,420.56 lbs of nitrogen oxides ("NOx") from the Light Olefins Unit ("LOU") Flare, EPN LOUFLARE during an emissions event (Incident No. 182687) that began on May 11, 2013 and lasted 32 hours and 40 minutes. The event occurred when an exotherm in the Acetylene Adiabatic Reactor caused depressurization of the acetylene conversion reactor system during a planned startup of the LOU. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on the Air Quality Analysis of the modeling provided for the emissions event, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on July 23, 2013, before the August 8, 2013 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent Flint Hills Resources Port Arthur, LLC

Case ID No. 47492

Reg. Ent. Reference No. RN100217389

Media Air

Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	11-May-2013	23-Jul-2013	0.20	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost for a Flint Hills Resources Process Engineer to discuss Incident No. 182687 with the Compressor Board Operators in order to clarify and reinforce that hydrogen should be cut out of the reactors when the de-ethanizer tower feed is lost to prevent a recurrence of emissions events due to the same cause as Incident No. 182687. The date required is the date the emissions event began. The final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$10

Screening Date 26-Aug-2013

Docket No. 2013-1610-AIR-E

PCW

Respondent Flint Hills Resources Port Arthur, LLC

Policy Revision 3 (September 2011)

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Media [Statute] Air

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Violation Number 3

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Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,837.87 lbs of VOC, 1,577.45 lbs of CO, 309.57 lbs of NOx, 79.21 lbs of sulfur dioxide, and 0.86 lb of hydrogen sulfide from the LOU Flare, EPN LOUFLARE, during an emissions event (Incident No. 183774) that began on June 7, 2013 and lasted five hours and 30 minutes. The event occurred when excess liquid reached the cracked gas compressor knockout drum and automatically shut down the compressor due to a change that was made on the steam control valve to the butane feed vaporizer which reduced steam below the required levels. The Respondent is not asserting the affirmative defense under 30 Tex. Admin. Code § 101.222 for this emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$375

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed corrective actions on August 27, 2013, after the August 8, 2013 NOE.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$7,125

This violation Final Assessed Penalty (adjusted for limits) \$7,125

Economic Benefit Worksheet

Respondent Flint Hills Resources Port Arthur, LLC

Case ID No. 47492

Reg. Ent. Reference No. RN100217389

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	7-Jun-2013	27-Aug-2013	0.22	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to review and discuss the importance of monitoring the set point entry and verifying the intended action was entered correctly with the Process Leads to prevent a recurrence of emissions events due to the same cause as Incident No. 183774. The date required is the date of the emissions event. The final date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$11



Compliance History Report

PENDING Compliance History Report for CN603743030, RN100217389, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN603743030, Flint Hills Resources Port Arthur, LLC	Classification:	SATISFACTORY	Rating:	10.87
Regulated Entity:	RN100217389, FLINT HILLS RESOURCES PORT ARTHUR FACILITY	Classification:	SATISFACTORY	Rating:	22.42
Complexity Points:	28	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	4241 SAVANNAH AVE PORT ARTHUR, TX 77640-3668, JEFFERSON COUNTY				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0135Q

WASTEWATER PERMIT WQ0003057000

AIR NEW SOURCE PERMITS PERMIT 16989

AIR NEW SOURCE PERMITS REGISTRATION 54780

AIR NEW SOURCE PERMITS REGISTRATION 55149

AIR NEW SOURCE PERMITS REGISTRATION 55148

AIR NEW SOURCE PERMITS REGISTRATION 76098

AIR NEW SOURCE PERMITS REGISTRATION 76342

AIR NEW SOURCE PERMITS REGISTRATION 56739

AIR NEW SOURCE PERMITS REGISTRATION 70435

AIR NEW SOURCE PERMITS REGISTRATION 70231

AIR NEW SOURCE PERMITS REGISTRATION 70780

AIR NEW SOURCE PERMITS REGISTRATION 71465

AIR NEW SOURCE PERMITS REGISTRATION 72235

AIR NEW SOURCE PERMITS REGISTRATION 72541

AIR NEW SOURCE PERMITS REGISTRATION 73892

AIR NEW SOURCE PERMITS REGISTRATION 73988

AIR NEW SOURCE PERMITS REGISTRATION 75061

AIR NEW SOURCE PERMITS REGISTRATION 74850

AIR NEW SOURCE PERMITS REGISTRATION 75258

AIR NEW SOURCE PERMITS REGISTRATION 76648

AIR NEW SOURCE PERMITS REGISTRATION 80894

AIR NEW SOURCE PERMITS REGISTRATION 81224

AIR NEW SOURCE PERMITS REGISTRATION 56574

AIR NEW SOURCE PERMITS REGISTRATION 48586

AIR NEW SOURCE PERMITS REGISTRATION 52327

AIR NEW SOURCE PERMITS REGISTRATION 90818

AIR NEW SOURCE PERMITS REGISTRATION 84551

AIR NEW SOURCE PERMITS REGISTRATION 86625

AIR NEW SOURCE PERMITS REGISTRATION 92300

AIR NEW SOURCE PERMITS REGISTRATION 85841

AIR NEW SOURCE PERMITS REGISTRATION 92251

AIR NEW SOURCE PERMITS REGISTRATION 91594

AIR NEW SOURCE PERMITS REGISTRATION 92475

AIR NEW SOURCE PERMITS REGISTRATION 91783

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX794

AIR NEW SOURCE PERMITS REGISTRATION 94277

AIR NEW SOURCE PERMITS REGISTRATION 95248

AIR NEW SOURCE PERMITS REGISTRATION 96494

AIR NEW SOURCE PERMITS REGISTRATION 99153

AIR NEW SOURCE PERMITS REGISTRATION 99531

AIR OPERATING PERMITS PERMIT 1317

WASTEWATER EPA ID TX0105287

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0135Q

AIR NEW SOURCE PERMITS REGISTRATION 54845

AIR NEW SOURCE PERMITS REGISTRATION 55150

AIR NEW SOURCE PERMITS REGISTRATION 75753

AIR NEW SOURCE PERMITS REGISTRATION 75685

AIR NEW SOURCE PERMITS REGISTRATION 75824

AIR NEW SOURCE PERMITS AFS NUM 4824500082

AIR NEW SOURCE PERMITS REGISTRATION 70504

AIR NEW SOURCE PERMITS REGISTRATION 70256

AIR NEW SOURCE PERMITS REGISTRATION 71484

AIR NEW SOURCE PERMITS REGISTRATION 72282

AIR NEW SOURCE PERMITS REGISTRATION 71742

AIR NEW SOURCE PERMITS REGISTRATION 73136

AIR NEW SOURCE PERMITS REGISTRATION 73618

AIR NEW SOURCE PERMITS REGISTRATION 74779

AIR NEW SOURCE PERMITS REGISTRATION 74299

AIR NEW SOURCE PERMITS REGISTRATION 75259

AIR NEW SOURCE PERMITS REGISTRATION 76405

AIR NEW SOURCE PERMITS PERMIT 79802

AIR NEW SOURCE PERMITS REGISTRATION 80563

AIR NEW SOURCE PERMITS REGISTRATION 81542

AIR NEW SOURCE PERMITS REGISTRATION 70191

AIR NEW SOURCE PERMITS REGISTRATION 83299

AIR NEW SOURCE PERMITS REGISTRATION 52120

AIR NEW SOURCE PERMITS REGISTRATION 89369

AIR NEW SOURCE PERMITS REGISTRATION 91407

AIR NEW SOURCE PERMITS REGISTRATION 91169

AIR NEW SOURCE PERMITS REGISTRATION 92316

AIR NEW SOURCE PERMITS REGISTRATION 91729

AIR NEW SOURCE PERMITS REGISTRATION 93271

AIR NEW SOURCE PERMITS REGISTRATION 92063

AIR NEW SOURCE PERMITS REGISTRATION 92476

AIR NEW SOURCE PERMITS REGISTRATION 93815

AIR NEW SOURCE PERMITS REGISTRATION 93499

AIR NEW SOURCE PERMITS REGISTRATION 95429

AIR NEW SOURCE PERMITS REGISTRATION 95830

AIR NEW SOURCE PERMITS REGISTRATION 96570

AIR NEW SOURCE PERMITS REGISTRATION 96324

AIR NEW SOURCE PERMITS REGISTRATION 97234

AIR NEW SOURCE PERMITS REGISTRATION 98948
AIR NEW SOURCE PERMITS REGISTRATION 98147
AIR NEW SOURCE PERMITS REGISTRATION 98734
AIR NEW SOURCE PERMITS REGISTRATION 101659
AIR NEW SOURCE PERMITS REGISTRATION 101648
AIR NEW SOURCE PERMITS REGISTRATION 103598
AIR NEW SOURCE PERMITS REGISTRATION 111992
AIR NEW SOURCE PERMITS REGISTRATION 106804
AIR NEW SOURCE PERMITS REGISTRATION 111318
AIR NEW SOURCE PERMITS REGISTRATION 111646
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230093

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000080142
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0135Q

UNDERGROUND INJECTION CONTROL PERMIT 5X2500122

AIR NEW SOURCE PERMITS REGISTRATION 100267
AIR NEW SOURCE PERMITS REGISTRATION 96727
AIR NEW SOURCE PERMITS REGISTRATION 98730
AIR NEW SOURCE PERMITS REGISTRATION 101847
AIR NEW SOURCE PERMITS REGISTRATION 104357
AIR NEW SOURCE PERMITS REGISTRATION 112518
AIR NEW SOURCE PERMITS REGISTRATION 108278
AIR NEW SOURCE PERMITS REGISTRATION 105729
AIR NEW SOURCE PERMITS REGISTRATION 109677
AIR NEW SOURCE PERMITS REGISTRATION 109241
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50399

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 89230
POLLUTION PREVENTION PLANNING ID NUMBER P00678

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013
Date Compliance History Report Prepared: October 11, 2013
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: October 11, 2008 to October 11, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Kimberly Morales

Phone: (713) 422-8938

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3) If YES for #2, who is the current owner/operator? N/A
4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 11/17/2008 ADMINORDER 2008-0568-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent the failure of the governor valve and subsequent shutdown of the Light Olefins Unit ("LOU") Ethylene Compressor and flaring of process gases on Nove. During the emissions event lasting 13 hours and 20 minutes, the total unauthorized emissions from the LOU flare were 3,747.2 pounds ("lbs") of carbon monoxide ("CO"), 2,732.85 lbs of volatile organic compounds ("VOC"), and 518.81 lbs of nitrogen oxides ("NOx").

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent a contractor from inadvertently closing the air supply valve to the hydrogen feed valve,

Pending Compliance History Report for CN603743030, RN100217389, Rating Year 2013 which includes Compliance History (CH) components from October 11, 2008, through October 11, 2013.

resulting in loss of hydrogen flow to the acetylene reactors, resulting in the automatic diversion of the ethylene tower feed from the de-ethanizer overhead to the LOU flare on November 30, 2007. During the emissions event lasting seven hours, the total unauthorized emissions from the LOU flare were 7,176.86 lbs of VOC, 6,521.22 lbs of CO, and 902.88 lbs NOx.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failed to prevent excess emissions from Tank 33752 on November 19, 2007, when hydrocarbon streams which were at a cool temperature were introduced into the tank which was at an elevated temperature. During the emissions event which lasted 30 minutes, 186.79 lbs of benzene and 151.69 lbs of other VOCs were released. Because these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense could not be met.

2 Effective Date: 01/30/2009 ADMINORDER 2008-1066-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The December 28, 2007, emissions event resulted due to the shut down of the Ethylene Refrigeration Compressor, which was initiated by a false high speed indication, during a thunderstorm. According to the internal investigation report submitted by FHR, the design of the Ethylene Refrigeration Compressor was not to the required specifications, and the high speed indication wiring was grounded at both ends.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The January 18, 2008, emissions event resulted when a contractor failed to follow facility procedure while off loading the vacuum truck into the GHU sump.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP-O-01317 Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The February 27, 2008, emissions event resulted when the converter board operator failed to immediately respond to the drop in pressure to pressure control valve 395.

3 Effective Date: 03/12/2009 ADMINORDER 2008-1269-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1317, General Terms and Conditions OP
1317, Special Condition 16 OP
16989/PSD-TX-794, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

4 Effective Date: 08/23/2009 ADMINORDER 2009-0121-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Pending Compliance History Report for CN603743030, RN100217389, Rating Year 2013 which includes Compliance History (CH) components from October 11, 2008, through October 11, 2013.

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The emissions event incident 109860 was caused when a wrong procedure was used during valve selection.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit. The June 28, 2008, emissions event was caused when placing the "F" furnace on-line. A lack of sufficient excess total hydrogen feed to the ethylene reactors caused a high concentration of acetylene to the Ethylene Tower Feed.

5 Effective Date: 12/18/2009 ADMINORDER 2009-0916-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 OP
O-01317 Special Condition 16 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 122769, in violation of Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 OP
O-01317, Special Condition 16 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 121878, in violation of Air Permit No. 16989, Special Condition No. 1, Air Permit No. O-01317, Special Condition No. 16, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

6 Effective Date: 02/22/2010 ADMINORDER 2009-1335-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT
O-01317, Special Condition 16 OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01317 Special Condition 2F OP

Description: Failure to submit an emission event within 24 hours after discovery of an emission event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 OP

O-01317, Special Condition 16 PERMIT

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

7

Effective Date: 06/26/2010 ADMINORDER 2009-1676-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT

O-01317, Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 OP

O-01317, Special Condition 16 PERMIT

Description: Failure to maintain emissions below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 OP

O-01317, Special Condition 16 PERMIT

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, General Terms & Condit OP

O-01317, Special Condition 2F PERMIT

Description: Failure to submit initial notification for an emissions event within 24 hours of discovery. Specifically, Incident No. 127182 occurred on July 17, 2009, and was not reported until July 23, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT

O-01317, Special Condition 16 OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT

O-01317 Special Condition 22 OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989/ PSD-TX-794, Special Condition 1 PERMIT

O-01317, Special Condition 16 OP

Description: Failure to maintain emissions below the allowable emission limit.

- 8 Effective Date: 07/11/2010 ADMINORDER 2009-1999-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
O-01317 Special Condition 22 OP
Description: Failed to prevent unauthorized emissions during Incident No. 128951.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition PERMIT
O-01317 Special Condition 22 OP
Description: Failed to prevent unauthorized emissions during Incident No. 129338.
- 9 Effective Date: 08/30/2010 ADMINORDER 2010-0309-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
FOP O-01317, Special Condition 16 OP
Description: The Respondent failed to prevent unauthorized emissions during Incident No. 130668.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O-01317, Special Condition 16 PERMIT
Permit 16989/PSD-TX-794, SC 1 OP
Description: The Respondent failed to prevent unauthorized emissions during Incident No. 130566.
- 10 Effective Date: 02/05/2011 ADMINORDER 2010-0854-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794, Special Condition 1 PERMIT
FOP-O-01317, Special Condition No. 22 OP
Description: The Respondent failed to prevent unauthorized emissions during Incident No. 134373.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-01317, Special Condition 2F OP
Description: the Respondent failed to report Incident No. 134373 within 24 hours after discovery.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT

Description: The Respondent failed to prevent unauthorized emissions during Incident No. 134219.

- 11 Effective Date: 02/20/2011 ADMINORDER 2010-1099-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
 O-01317 Special Condition 16 OP
 Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 20.98 lbs of CO, 3,898.22 lbs of VOC and 0.56 lbs of hydrogen sulfide from the Spent Caustic Degassing Drum during an avoidable emissions event (Incident No. 134917) that began on January 23, 2010 and lasted 19 hours and 18 minutes. The event was caused by the failure of a level controller that led to a complete loss of liquid in the drum. The loss of liquid caused a pathway that allowed process vapors to flow to Flo
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
 O-01317 Special Condition 16 OP
 Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 704.76 lbs of CO, 917.79 lbs of VOC and 97.58 lbs of NOx from the LOU Flare during an avoidable emissions event (Incident No. 136904) that began on March 8, 2010 and lasted 50 hours and 29 minutes. The event was caused by the failure to completely close the drain valve on the Second Stage Compressor Cracked Gas Drip Leg after draining the drip leg, leading to emissions being vented to the atmosphere through the flare
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
 O-01317 Special Condition 16 OP
 Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 295.60 pounds ("lbs") of carbon monoxide ("CO"), 347.77 lbs of volatile organic compounds ("VOC") and 40.93 lbs of nitrogen oxide ("NOx") from the Light Olefins Unit ("LOU") Flare during an avoidable emissions event (Incident No. 136126) that began on February 21, 2010 and lasted seven hours and 30 minutes. The event was caused by the degradation of insulation on high voltage electrical lines leading to the shutdown
- 12 Effective Date: 06/20/2011 ADMINORDER 2010-1865-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: O-01317, Special Terms and Conditions 22 OP
 Permit 16989/PSD-TX-794 SC 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: 16989/PSD-TX-794 Special Condition PERMIT
 O-01317, Special Terms and Conditions 22 OP
 Description: Failed to prevent unauthorized emissions.
- 13 Effective Date: 08/27/2011 ADMINORDER 2011-0287-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)

- 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
O-1317, Special Terms & Conditions 22 OP
Description: Failure to maintain emissions below the allowable emission limit.
- 14 Effective Date: 08/27/2011 ADMINORDER 2011-0192-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
Special Terms & Conditions No. 22 OP
Description: Failure to maintain emissions below the allowable emission limit.
- 15 Effective Date: 04/23/2012 ADMINORDER 2011-1562-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O1317, Special Condition 22 OP
NSR Flexible Permit No. 16989, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O1317, ST & C 22 OP
NSR Flexible Permit No. 16989, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.
- 16 Effective Date: 06/22/2012 ADMINORDER 2011-2129-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 1317, Special Condition 22 OP
SC1 PERMIT
Special Condition No. 1 PERMIT
Description: Failure to prevent the release of unauthorized emissions to the atmosphere.
- 17 Effective Date: 11/11/2012 ADMINORDER 2012-0809-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 16989/PSD-TX-794 Special Condition 1 PERMIT
Special Condition 22 OP
Description: Failed to prevent unauthorized emissions during an event on December 8, 2011 (Incident No. 162629). Specifically, the Respondent released 295.65 pounds ("lbs") of volatile organic compounds (including 17.29 lbs of 1,3-butadiene), 196.19 lbs of carbon monoxide, and 38.51 lbs of nitrogen oxides of unauthorized emissions from the Light Olefins Unit Flare (Emission Point No. LOUFLARE) during the one hour 35-minute event. The event occurred due to a design flaw within the heat exchanger system.
- 18 Effective Date: 06/03/2013 ADMINORDER 2012-0402-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01317 , Special Condition 2F OP

Description: Failure to notify the TCEQ Region 10 office of a reportable emissions event within 24 hours after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989 and PSD-TX-794, SC No. 1 PA
Special Terms and Conditions No. 22 OP

Description: Failure to prevent unauthorized emissions (Incident 162013).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 16989 and PSD-TX-794, SC No. 1 PA
STC No. 22 OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

19 Effective Date: 09/12/2013 ADMINORDER 2013-0164-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-794, SC 1 PERMIT
Special Terms and Conditions 24 OP

Description: Failure to maintain emissions below the authorized emissions limits during Incident 173816.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-794, SC 1 PERMIT
Special Terms and Conditions 24 OP

Description: Failure to maintain emissions below the authorized emissions limits during Incident 174168.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-794, SC 1 PERMIT
Special Terms and Conditions 24 OP

Description: Failure to maintain emissions below the authorized emissions limits during Incident 174187.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Pending Compliance History Report for CN603743030, RN100217389, Rating Year 2013 which includes Compliance History (CH) components from October 11, 2008, through October 11, 2013.

Item 1	October 31, 2008	(704800)
Item 2	November 11, 2008	(731995)
Item 3	December 10, 2008	(731996)
Item 4	December 15, 2008	(721155)
Item 5	January 14, 2009	(731997)
Item 6	February 03, 2009	(723045)
Item 7	February 04, 2009	(708100)
Item 8	February 06, 2009	(755358)
Item 9	February 20, 2009	(725410)
Item 10	February 25, 2009	(720934)
Item 11	March 03, 2009	(736948)
Item 12	March 19, 2009	(755359)
Item 13	March 23, 2009	(726546)
Item 14	March 25, 2009	(736039)
Item 15	April 09, 2009	(722988)
Item 16	April 20, 2009	(755360)
Item 17	June 04, 2009	(744697)
Item 18	June 18, 2009	(744900)
Item 19	June 19, 2009	(744790)
Item 20	July 30, 2009	(748201)
Item 21	August 19, 2009	(817363)
Item 22	August 28, 2009	(763176)
Item 23	September 17, 2009	(817361)
Item 24	October 05, 2009	(775281)
Item 25	October 13, 2009	(775338)
Item 26	October 26, 2009	(775425)
Item 27	November 05, 2009	(777343)
Item 28	November 09, 2009	(778303)
Item 29	November 11, 2009	(779100)
Item 30	November 24, 2009	(817366)
Item 31	December 01, 2009	(760789)
Item 32	December 14, 2009	(817367)
Item 33	December 23, 2009	(782164)
Item 34	January 21, 2010	(817368)
Item 35	February 01, 2010	(787221)
Item 36	February 19, 2010	(792201)
Item 37	February 22, 2010	(788950)
Item 38	February 23, 2010	(791426)
Item 39	February 25, 2010	(817360)
Item 40	March 22, 2010	(788590)
Item 41	March 25, 2010	(835318)
Item 42	April 23, 2010	(835319)
Item 43	April 26, 2010	(794882)
Item 44	May 02, 2010	(793078)
Item 45	May 19, 2010	(801471)
Item 46	May 25, 2010	(801828)
Item 47	May 30, 2010	(800451)
Item 48	June 02, 2010	(824604)
Item 49	June 22, 2010	(847628)
Item 50	June 23, 2010	(824857)
Item 51	June 24, 2010	(825576)
Item 52	July 22, 2010	(862032)
Item 53	July 28, 2010	(843045)
Item 54	July 30, 2010	(827585)
Item 55	August 25, 2010	(868607)
Item 56	August 31, 2010	(841720)
Item 57	September 16, 2010	(864362)
Item 58	September 19, 2010	(842441)
Item 59	September 20, 2010	(843255)
Item 60	September 23, 2010	(875500)

Item 61	October 21, 2010	(883041)
Item 62	October 22, 2010	(864020)
Item 63	November 12, 2010	(872488)
Item 64	November 23, 2010	(797259)
Item 65	November 30, 2010	(879190)
Item 66	December 20, 2010	(897823)
Item 67	January 03, 2011	(886795)
Item 68	January 13, 2011	(903714)
Item 69	January 21, 2011	(880062)
Item 70	February 01, 2011	(892382)
Item 71	February 03, 2011	(885483)
Item 72	February 12, 2011	(895473)
Item 73	February 23, 2011	(895924)
Item 74	March 21, 2011	(905839)
Item 75	March 23, 2011	(906943)
Item 76	April 21, 2011	(929608)
Item 77	April 22, 2011	(797279)
Item 78	May 12, 2011	(906438)
Item 79	May 24, 2011	(939569)
Item 80	June 16, 2011	(933075)
Item 81	July 19, 2011	(954245)
Item 82	July 20, 2011	(924035)
Item 83	July 22, 2011	(936459)
Item 84	August 09, 2011	(943685)
Item 85	August 17, 2011	(948639)
Item 86	August 22, 2011	(948607)
Item 87	August 28, 2011	(936515)
Item 88	September 21, 2011	(966918)
Item 89	September 22, 2011	(956695)
Item 90	October 12, 2011	(949086)
Item 91	October 19, 2011	(972888)
Item 92	November 14, 2011	(979022)
Item 93	November 29, 2011	(964220)
Item 94	December 16, 2011	(985857)
Item 95	December 21, 2011	(968532)
Item 96	January 11, 2012	(980531)
Item 97	January 17, 2012	(992213)
Item 98	January 20, 2012	(968678)
Item 99	January 24, 2012	(980571)
Item 100	February 15, 2012	(999524)
Item 101	March 21, 2012	(1005065)
Item 102	March 26, 2012	(990071)
Item 103	March 27, 2012	(994174)
Item 104	April 20, 2012	(1011621)
Item 105	April 30, 2012	(996207)
Item 106	May 23, 2012	(1018002)
Item 107	June 05, 2012	(1009225)
Item 108	June 09, 2012	(1002197)
Item 109	June 14, 2012	(1025744)
Item 110	June 25, 2012	(1009271)
Item 111	July 24, 2012	(1033092)
Item 112	August 02, 2012	(1021644)
Item 113	August 07, 2012	(1016272)
Item 114	August 15, 2012	(1039607)
Item 115	September 06, 2012	(1048533)
Item 116	September 12, 2012	(1027401)
Item 117	September 13, 2012	(1028287)
Item 118	September 17, 2012	(1028376)
Item 119	October 05, 2012	(1035442)
Item 120	October 18, 2012	(1037417)

Pending Compliance History Report for CN603743030, RN100217389, Rating Year 2013 which includes Compliance History (CH) components from October 11, 2008, through October 11, 2013.

Item 121	October 23, 2012	(1068804)
Item 122	October 31, 2012	(1037558)
Item 123	November 16, 2012	(1068805)
Item 124	November 20, 2012	(1042293)
Item 125	November 30, 2012	(1046513)
Item 126	December 12, 2012	(1046262)
Item 127	December 17, 2012	(1068806)
Item 128	January 14, 2013	(1082412)
Item 129	January 15, 2013	(1053603)
Item 130	February 20, 2013	(1058820)
Item 131	February 21, 2013	(1058848)
Item 132	February 22, 2013	(1082411)
Item 133	February 27, 2013	(1059512)
Item 134	March 14, 2013	(1058933)
Item 135	March 25, 2013	(1090952)
Item 136	April 05, 2013	(1077120)
Item 137	April 08, 2013	(1076625)
Item 138	April 23, 2013	(1097285)
Item 139	April 29, 2013	(1085330)
Item 140	May 01, 2013	(1077440)
Item 141	May 02, 2013	(1086669)
Item 142	May 16, 2013	(1087178)
Item 143	May 21, 2013	(1108308)
Item 144	May 31, 2013	(1092693)
Item 145	June 04, 2013	(1094117)
Item 146	June 10, 2013	(1111897)
Item 147	June 27, 2013	(1094899)
Item 148	July 01, 2013	(1099543)
Item 149	July 16, 2013	(1118799)
Item 150	August 05, 2013	(1104049)
Item 151	August 08, 2013	(1102484)
Item 152	September 16, 2013	(1116887)
Item 153	September 26, 2013	(1121183)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 01/03/2013 (1043103) CN603743030
Self Report? NO Classification: Minor
Citation: 16989/PSD-TX-794, General Condition 10 PERMIT
16989/PSD-TX-794, Special Condition 22 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 117, SubChapter B 117.145(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP-O-01317, Special Condition 7 OP
Description: Failure to submit a Relative Accuracy Test Audit (RATA) within 60 days of testing completion.

- 2 Date: 08/20/2013 (1105573) CN603743030
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 14(E) PERMIT
PSD-TX-794, Special Condition 15(E) PERMIT
PSD-TX-794, Special Condition 6 PERMIT
Special Terms and Conditions 1A OP
Special terms and Conditions 22 OP
Description: Failure to install a cap, blind flange, plug, or a second valve on equipment

Pending Compliance History Report for CN603743030, RN100217389, Rating Year 2013 which includes Compliance History (CH) components from October 11, 2008, through October 11, 2013.

operating in Volatile Organic Compound (VOC) service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 28 PERMIT
Special Terms and Conditions 22 OP

Description: Failure to speciate Volatile Organic Compounds (VOCs) emissions from El Paso samples exceeding 0.030 Parts Per Million by Weight (PPMW) VOCs.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, General Condition 11 PERMIT
Special Terms and Conditions 1(A) OP

Description: Failure to monitor new connectors within 30 days of being placed into Volatile Organic Compound (VOC) service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
40 CFR Part 60, Subpart VV 60.486
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 14(A) PERMIT
PSD-TX-794, Special Condition 15(A) PERMIT
PSD-TX-794, Special Condition 6 PERMIT
Special Terms and Conditions 1(A) OP
Special Terms and Conditions 22 OP

Description: Failure to identify, tag, or monitor Leak Detection and Repair (LDAR) components.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(3)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)(4)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 7 PERMIT
Special Terms and Conditions 1(A) OP
Special Terms and Conditions 22 OP

Description: Failure to conduct appropriate calibrations on the Monitoring Instrument before monitoring Carbon Canisters for no detectable emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(3)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(3)(i)
5C THSC Chapter 382 382.085(b)
PSD-TX-794, Special Condition 7 PERMIT
Special Terms and Conditions 10 OP
Special Terms and Conditions 22 OP

Description: Failure to control the emissions from one container of waste during the treatment process.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter C 115.214(a)
30 TAC Chapter 115, SubChapter C 115.214(a)(1)(A)
30 TAC Chapter 115, SubChapter C 115.214(a)(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 8(i) PERMIT
 Special Terms and Conditions 1(A) OP
 Special Terms and Conditions 22 OP
 Description: Failure to immediately discontinue Volatile Organic Compounds (VOCs) transfers when a leak was observed.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 10 PERMIT
 Special Terms and Conditions 1(A) OP
 Special Terms and Conditions 22 OP
 Description: Failure to maintain the minimum net heating value of gas being combusted for a Flare at or above 300 British Thermal Units per Standard Cubic Feet (BTU/SCF).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter E 115.412
 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSD-TX-794, General Condition 11 PERMIT
 Description: Failure to keep Volatile Organic Compounds (VOC) solvent Degreaser covers closed whenever parts are not being handled in the cleaners.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(8)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSD-TX-794, General Condition 11 PERMIT
 Description: Failure to comply with representations submitted for New Source Review Permit 16989 for Tank 4865, Tank 4866, and Tank 4880.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 PSD-TX-794, General Condition 11 PERMIT
 Description: Failure to submit accurate Title V Semiannual Deviation Reports (SDRs) and accurate Permit Compliance Certifications (PCCs).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 111, SubChapter A 111.111(a)
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, General Condition 11 PERMIT
 Special Terms and Conditions 1(A) OP
 Description: Failure to maintain copies of the June 2012 Flare logs for the Light Olefins Unit (LOU) Flare and the Aromatic Unit (AU) Flare.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, General Condition 11 PERMIT
 Special Terms and Conditions 3A OP
 Description: Failure to conduct a quarterly visible emissions observation on Light Olefins Unit (LOU) Heater 1 during the fourth quarter of 2012.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.354(4)

30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, General Condition 11 PERMIT
 Special Terms and Conditions 1(A) OP
 Description: Failure to monitor a Pressure Relief Valve (PRV) within 24 hours of pressure releases.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2(B) PERMIT
 Special Terms and Conditions 22 OP

Description: Failure to update the records of the rolling 12 month Cyclohexane barge loading emissions on a monthly basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter B 115.136(a)(2)(C)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, General Condition 11 PERMIT
 Special Terms and Conditions 1(A) OP

Description: Failure to continuously measure and record the Volatile Organic Compound (VOC) concentration in the exhaust gas of the American Petroleum Institute (API) Separator Carbon Absorption System (CAS) while the CAS was operating.

3 Date: 09/24/2013 (1106455) CN603743030

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 25 PERMIT
 Special Terms and Conditions 1(A) OP
 Special Terms and Conditions 22 OP

Description: Failure to route all the emissions from the American Petroleum Institute (API) Separator Closed Vent System (CVS) to a Control Device.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 7 PERMIT
 Special Terms and Conditions 1(A) OP
 Special Terms and Conditions 22 OP

Description: Failure to switch the Large Carbon Canisters at Facility 37 immediately after discovering Volatile Organic Compounds (VOC) breakthrough.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 7 PERMIT
 Special Terms and Conditions 1(A) OP
 Special Terms and Conditions 22 OP

Description: Failure to monitor the spent Carbon Containers initially and annually.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(4)(iii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(8)
 5C THSC Chapter 382 382.085(b)
 PSD-TX-794, Special Condition 6 PERMIT
 PSD-TX-794, Special Condition 8(D) PERMIT

Special Terms and Conditions 1A OP
Special Terms and Conditions 22 OP
Description: Failure to repair or empty Tank 1815 within 45 days of discovering defects.

F. Environmental audits:

Notice of Intent Date: 07/17/2008 (688108)

Disclosure Date: 12/03/2008

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT 79802, SC 2.B

Description: Failed to accurately record start and end time data of loading emissions.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 79802, SC 2.F

Description: Failure to maintain proper vacuum assist vapor collection system pressure while loading cyclohexane.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 79802, SC 3.B and D.

Description: Failed to have records to indicate that the required calibrations for both the flare monitoring devices and the continuous natural gas flow monitoring device are being conducted as required by the permit.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 79802, SC 3.D

Description: Failure to comply with supplemental fuel flow requirements while loading cyclohexane.

Viol. Classification: Minor

Rqmt Prov: PERMIT 79802, SC2.F

Description: Failure to maintain the pressure differential and to record vacuum readings every 15 minutes during loading operations.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 79802, SC4.E

Description: Failure to conduct visual, Audible, olfactory inspections while loading cyclohexane.

Notice of Intent Date: 10/05/2010 (870545)

Disclosure Date: 04/08/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: Emission calculations conducted in the data historian do not follow the reference method calculation protocols in 40 CFR 60, Appendix A, Test Method 19 for using monitored diluent concentrations to estimate mass emission rates.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.123(c)(1)(C)

Description: The emissions total used to demonstrate compliance with the Ch. 117 source cap is not consistent with the regulation. The regulation requires that a fixed measured hourly emission rate be used for units without a CEMS, but the site uses a variable emission rate based on the fuel firing rate to make the demonstration.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.140(a)

Description: The pilot gas flow tags used in calculating the contribution of pilot gas to the fuel gas firing rate appear not to be functional, and are producing bad data (negative and highly variable flows which appear inaccurate) which are slightly impacting emission calculations.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.145(d)(3)

Description: CEMS downtime is excluded based on no cracking feed flow instead of no fuel feed flow.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: Verification that the current analyzers are the same ones that underwent initial certification is not possible because the serial numbers listed in the initial certifications were for each collective CEMS installation and not the analyzers themselves. Records indicating actual analyzer serial numbers were not available to auditors.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: The CEMS Negative Drift Level is not sufficiently high. The negative drift should be set at greater than 4 times the CD, which for NOx should be > -15 ppm and for CO should be > -80 ppm, based on existing ranges.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)

Description: A test for stratification is required in the initial Certification test to validate the use of three point sampling. After reviewing the initial certification reports, the audit team did not find proof of a test for stratifications for all furnaces.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)
Description: Downtime in the current reporting tools begins in the first hour of any failed QA/QC check. The downtime should begin at the time corresponding to the completion of the daily Calibration Drift check preceding the daily CD check that results in a CD in excess of four times the allowable limit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.154(a)(5)
30 TAC Chapter 117, SubChapter B 117.154(b)(2)(D)

Description: The EPN names are not consistent with the site's permit or emissions inventory, the data substitution method indicated in the final control plan is not allowed by the rule, and not what is used, and not all exempt sources (emergency engines) have been included in the final control plan with documentation of the exemption being claimed.

Notice of Intent Date: 10/14/2010 (877037)

Disclosure Date: 04/19/2011

Viol. Classification: Major

Citation: 2B TWC Chapter 11, SubChapter A 11.121
30 TAC Chapter 297, SubChapter B 297.11

Description: Failure to produce documentation of the contract or agreement that authorizes PAC to withdraw water from the Drainage District #7 (DD#7) canal for use as 'service water' (water withdrawal would typically require a TCEQ permit & fee payment)

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to finalize the facility's stormwater pollution prevention plan and failed to implement it at the time of the audit. Specifically, the monthly inspection reports, the annual training and records, and the management certification of commitment were missing.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to be able to locate the discharge monitoring report from Nov. 2007.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to replace the roof after removing to access the pump. Significant material residues were exposed (diesel fuel and oil) from the backup diesel generator pump which could have gone into stormwaterwater Outfall 002.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failed to use good housekeeping at Outfall 002 stormwater discharge swale as the oil absorbent boom needs replacement, and maintenance of the underflow weir were identified as needed at the time of the audit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Best Management Practices were not utilized as follow up with maintenance to check PMs and operational status on Outfall #001's emergency diesel pumps is needed; the shed at Outfall 002 over the pump station was open to rain and oils were noted on the concrete floor of the structure; and the diesel generators for the fire pump by Resercoic 14 were observed to have exposed oils and a sulfuric acid battery.

Notice of Intent Date: 03/22/2011 (914660)

No DOV Associated

Notice of Intent Date: 03/19/2012 (1101213)

No DOV Associated

Notice of Intent Date: 03/27/2013 (1087037)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FLINT HILLS RESOURCES PORT
ARTHUR, LLC
RN100217389**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1610-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Flint Hills Resources Port Arthur, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical manufacturing plant at 4241 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 13, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Six Thousand Eight Hundred Thirteen Dollars (\$26,813) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Seven

Hundred Twenty-Six Dollars (\$10,726) of the administrative penalty and Five Thousand Three Hundred Sixty-Two Dollars (\$5,362) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Ten Thousand Seven Hundred Twenty-Five Dollars (\$10,725) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By April 24, 2013, had halted all degassing and cleaning operations associated with Tank 1815 and hired a new third-party contractor to complete the cleaning of Tank 1815 to prevent a recurrence of emissions events due to the same cause as Incident No. 181583;
 - b. By the end of the day July 23, 2013, had a Flint Hills Resources Process Engineer discuss Incident No. 182687 with the Compressor Board Operators in order to clarify and reinforce that hydrogen should be cut out of the reactors when the de-ethanizer tower feed is lost to prevent a recurrence of emissions events due to the same cause as Incident No. 182687; and
 - c. On August 27, 2013, reviewed and discussed the importance of monitoring the set point entry and verifying the intended action was entered correctly with the Process Leads to prevent a recurrence of emissions events due to the same cause as Incident No. 183774.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1317, Special Terms and Conditions ("STC") No. 24, and Flexible Permit Nos. 16989 and PSD-TX-794, Special Conditions ("SC") No. 1, as documented during a record review conducted on June 27, 2013. Specifically, the Respondent released 129.5 pounds ("lbs") of volatile organic compounds ("VOC") from Tank 1815, Emissions Point Number ("EPN") TT1815, and 6.5 lbs of VOC from a temporary fracking tank during an emissions event (Incident No. 181583) that began on April 13, 2013 and lasted five hours and 45 minutes. The event occurred while contract personnel were emptying, degassing, and cleaning Tank 1815 and failed to monitor the level in a vacuum box which caused overflow of liquid into the vapor system. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1317, STC No. 24, and Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1, as documented during a record review conducted on June 27, 2013. Specifically, the Respondent released 16,882.25 lbs of VOC, 10,262.98 lbs of carbon monoxide ("CO"), and 1,420.56 lbs of nitrogen oxides ("NOx") from the Light Olefins Unit ("LOU") Flare, EPN LOUFLARE, during an emissions event (Incident No. 182687) that began on May 11, 2013 and lasted 32 hours and 40 minutes. The event occurred when an exotherm in the Acetylene Adiabatic Reactor caused depressurization of the acetylene conversion reactor system during a planned startup of the LOU. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1317, STC No. 24, and Flexible Permit Nos. 16989 and PSD-TX-794, SC No. 1, as documented during a record review conducted on June 27, 2013. Specifically, the Respondent released 2,837.87 lbs of VOC, 1,577.45 lbs of CO, 309.57 lbs of NOx, 79.21 lbs of sulfur dioxide, and 0.86 lb of hydrogen sulfide from the LOU Flare, EPN LOUFLARE during an emissions event (Incident No. 183774) that began on June 7, 2013 and lasted five hours and 30 minutes. The event occurred when excess liquid reached the cracked gas compressor knockout drum and automatically shut down the compressor due to a change that was made on the steam control valve to the butane feed vaporizer which reduced steam below the required levels. The Respondent is not asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 for this emissions event.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Flint Hills Resources Port Arthur, LLC, Docket No. 2013-1610-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Ten Thousand Seven Hundred Twenty-Five Dollars (\$10,725) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

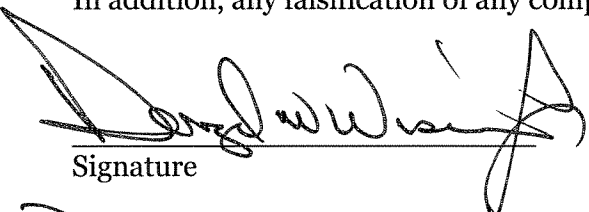
6/5/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

3/27/14
Date

David Wiseman Jr.
Name (Printed or typed)
Authorized Representative of
Flint Hills Resources Port Arthur, LLC

Vice President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-1610-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Flint Hills Resources Port Arthur, LLC
Penalty Amount:	Twenty-One Thousand Four Hundred Fifty-One Dollars (\$21,451)
SEP Offset Amount:	Ten Thousand Seven Hundred Twenty-Five Dollars (\$10,725)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely

and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.